

10365/06501

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Arad, et al
Serial No.: 09/202,359
Filed: May 21, 1999
Group: 1654
Examiner: Lukton, D.
For: NOVEL ANTI-VIRAL COMPOUNDS

Assistant Commissioner
For Patents
Washington, D.C. 20231

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to facsimile no. 703-305-7401, to the Assistant Commissioner for Patents, Washington, D.C. 20231 on: April 5, 2000.

Karen L. Knezek**Registration No. 39,253**

Name of Applicant, Assignee, or Registered Representative

Signature

April 5, 2000

Dear Sir:

SUPPLEMENTAL RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

This paper is in supplemental response to the Official Action dated December 15, 1999, which imposed a Restriction/Election Requirement on the above-identified application.

Applicant responded on March 14, 2000, with a traversal of the requirement and a provisional election.

However, Examiner Lukton telephoned Karen Knezek of this office on Friday, March 31, 2000, and indicated Applicant must select a species which is a specific compound with all substituent variables fully accounted for.

REMARKS

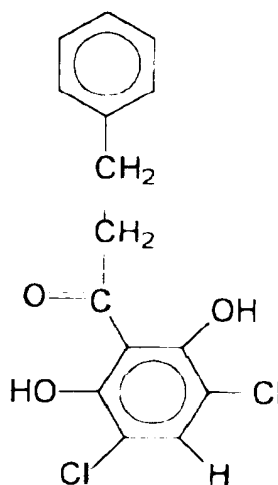
Claims 1-16 are pending in the application. Claims 1-12 are subject to a Restriction/Election Requirement. (New Claims 13-16 were added in the March 14, 2000 response to the Official Action).

Restriction/Election

The Examiner imposed a requirement for election between classes of invention, i.e., compositions of matter, methods of use for antiviral treatment (Groups 75-148), and diagnostic methods. Applicant selected the method of use for antiviral treatment in its response of March 14, 2000. However, the Examiner superimposed a requirement for election of species, which Applicants traverse as explained below.

With respect to the first requirement, Applicant elected Claims 8 and 12 for prosecution, directed to a method of treatment. Applicant added new Claims 13-16 which are all ultimately dependent on Claim 8 and are also, therefore, properly in the elected group. These claims depend on Claim 8 and, therefore, add no new complexity to the case.

Although Applicant believed it had adequately selected a reasonable number of species for prosecution, the Examiner has required selection of a method of use for antiviral treatment employing only one compound with all substituents fully accounted for.



Applicant provisionally elects the species depicted above, with traverse, for examination. Applicant believes the Examiner has grouped the elected species into Group 104. Claims 8 and 12 read on a method using this elected species. As per the telephonic requirement, the species above has all substituent variables fully accounted for.

The requirement for election between the species of Group 104 is traversed because these claims are directed to a method of antiviral treatment using chemical compounds that have a commonality of core structure and a commonality of substituent functionality. In particular, Applicant submits that the search required for a method of using compositions with these core features will suffice for determining the patentability of each of the claims of a group directed to a method of treatment. Therefore, Applicant respectfully requests that the patentability of Claims 8 and 12 be fully examined. If the Examiner has any further questions, please contact Eugenia S. Hansen at 214-981-3315 or Karen L. Knezek at 214-981-3381.

Respectfully submitted,

By: 

Eugenia S. Hansen

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ESH/ld

April 4, 2000

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